

REMARKS

The Non-Final Office Action, mailed September 9, 2009, considered claims 1, 3-6, 8, 9, 11-15, 17, 20, 21, and 28-37. Claims 1, 3-6, 8, 9, 11-15, 17, 20, 21, and 28-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. (U.S. Patent Application Publication No. 2005/0091226).

Traversal of the Anticipation Rejections

The present invention is directed to a source code control ("SCC") application that provides enhanced functionality while working in the offline state. For example, the present invention, as addressed in the previous response, facilitates undo and difference operations by caching a pristine copy of a source code file when it is checked out for modification. The modifications are not made to this pristine copy, but to the actual checked out source code file.

The examiner has maintained his 102(e) rejections in the current action. Applicant submits, however, that in order for a reference to anticipate a claim, each limitation must be taught by the reference. This is not the case with Lin. Lin is not directed to a SCC system. Source code is not even mentioned in Lin. To the contrary, Lin is directed to SMB and DFS. Even if the aspects of how Lin and the present invention function were similar, Lin could only anticipate the present claims if it teaches every claimed aspect. The claims contain specific limitations that clearly indicate that they are directed to a source code control system. The examiner is reading these limitations out of the claims in order to retain the 102(e) rejection.

Further, each independent claim recites that a pristine copy of the source code file is created and cached when the source code file is checked out. In other words, there are two versions of the source code file stored on the client side system. Modifications are made to the source code file while the pristine copy is maintained without changes to allow such features as undo and difference checking. There is nothing similar to this in Lin. The examiner, in the rejection of claim 21 is citing the file access parameters as described in paragraph 10 as teaching this aspect. However, the file access parameters are not a pristine copy of the file. These parameters merely dictate what level of access (i.e. read, read/write, etc.) the user will have to the file. Regardless of the file access parameters, there will only be a single copy of the file on the client in Lin.

Further, there is nothing equivalent to the user checking out a document from the client-side system. In the present invention, the user downloads the source code files to his local machine where they are maintained in the client-side client workspace. When the user desires to modify a source code file, he must check it out from the client workspace. At this point, the pristine copy is created at the client side while modifications are made directly to the source code file. In contrast, the present

invention merely downloads the file to the local machine where it can be accessed and modified. This is an example of how the importance of a SCC cannot be read out of the claims.

Because Lin fails to teach or suggest each limitation of the claims, the anticipation rejection is improper. Further, Lin is valid as prior art only under 102(e) and is commonly owned by Microsoft. As such, it cannot be used in an obviousness rejection. Applicant therefore submits that the claims are patentable over the Lin reference.

In view of the foregoing, Applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 23rd day of November, 2009.

Respectfully submitted,
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